

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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TAUBERT ELECTRIC MOTORS, LLC,

Plaintiff,

-against-

LIBERTY MUTUAL INSURANCE COMPANY and  
OHIO SECURITY INSURANCE COMPANY,

Defendants.

Civil Action No.:  
6:23-cv-01271-DNH-ATB

**STIPULATION OF  
DISMISSAL AS TO  
LIBERTY MUTUAL  
INSURANCE COMPANY  
ONLY AND EXTENDING  
TIME FOR OHIO SECURITY  
INSURANCE COMPANY TO  
RESPOND TO COMPLAINT**

**WHEREAS**, plaintiff TAUBERT ELECTRIC MOTORS, LLC (“Plaintiff”) commenced the above-captioned action against LIBERTY MUTUAL INSURANCE COMPANY (“Liberty Mutual”) and OHIO SECURITY INSURANCE COMPANY (“Ohio Security”) in the Supreme Court, State of New York, County of Herkimer (the “Action”), which Action was removed to this Court; and

**WHEREAS**, the Action seeks recovery of allegedly unpaid insurance benefits under a Commercial Property insurance policy, no. BKS (22) 58 09 84 30, with a policy period from June 23, 2021 to June 23, 2022, issued by Ohio Security to Plaintiff as Named Insured (the “Policy”); and

**WHEREAS**, counsel for defendants has produced to Plaintiff’s counsel a copy of the declaration pages of the Policy, expressly stating that coverage is provided by Ohio Security, thereby showing that the obligated insurer is Ohio Security and not Liberty Mutual;

**IT IS HEREBY STIPULATED AND AGREED**, by and between all parties hereto, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), that the above-captioned Action shall be, and hereby is, dismissed as to defendant LIBERTY MUTUAL INSURANCE COMPANY, with

prejudice and without costs to any party. The foregoing shall not affect defendant OHIO SECURITY INSURANCE COMPANY (“Ohio Security”), against whom this Action continues.

**IT IS FURTHER STIPULATED AND AGREED**, that defendant Ohio Security’s time to respond to the Complaint shall be extended until and including November 20, 2023, and that said defendant waives defenses based upon lack of personal jurisdiction and service of process.

Dated: Utica, New York  
October 18, 2023

DETAGLIA LAW OFFICE

JAFFE & ASHER LLP

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LIBERTY MUTUAL INSURANCE  
COMPANY and OHIO SECURITY  
INSURANCE COMPANY  
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**SO ORDERED:**

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**Hon. Andrew T. Baxter, U.S.M.J.**